

Memo

To: Planning Board
From: Jacky Eubanks
Date: 8/1/06
Re: UDO Public Hearing

Request

The Planning Board to conduct a public hearing, receive comments and forward its recommendations to the BOC in consideration of deleting existing chapters of the County's Code of Ordinances relating to zoning, subdivision regulations, manufactured home parks, floodplain management, wireless communications, and junk vehicles, etc. and consider the adoption of the enclosed regulations identified as the Unified Development Ordinance (UDO).

History and Background

In the mid 1990s, the County developed a new long-range comprehensive plan known as VisionQuest 2010. The plan was adopted by the Board of Commissioners in 1996 and served as the basis for future land-use decisions, such as rezoning requests, transportation needs, etc.

After VisionQuest 2010, the County developed a Strategic Growth Plan to address growth-related issues in the County. This plan was accepted by the Board of Commissioners in March 1999. One of 16 major strategies in the plan was to prepare small area plans for the County specific to 7 areas.

The County began the process of obtaining input on how the County should grow and develop through the small area planning process. The County was divided into 7 small area districts. Small Area Plan committee members, comprised of citizens living in the area, were appointed by the Board of Commissioners beginning in 1999. Committees included over 70 citizens with a broad range of experience, interests and background such as:

- a. Construction/development
- b. Real estate
- c. Agriculture
- d. Professional, and
- e. Municipal planners and managers

(Attached listing of SAP members)

The committees developed specific recommendations for future growth and development of the County based on input from community meetings attended by over 500 citizens. Notification of these meetings included newspaper articles, web site notices, cable and radio announcements and hundreds of flyers posted in the community, including copies in church newsletters. Copies of the draft plans were in the

County's libraries for review prior to public hearings. Those who attended the first community meeting received personal letters inviting them to the second public meeting to review the draft plan and to attend future public hearings. The Planning Board and Board of Commissioner's public hearings were advertised with four- ¼ page ads run in two local newspapers.

The Small Area Plan committees met monthly, for each of the 7 small areas, ranging from 14 months to over 3 years. Key issues identified by the public during the public meetings included:

- a. Preservation of rural character
- b. Higher development standards
- c. Enhanced visual corridors and entryways
- d. Stricter code enforcement program
- e. Open space preservation
- f. Density ranging from low to moderate based on available infrastructure

Upon acceptance of the small area plans by the Board of Commissioners, the next step was the implementation of the plan recommendations through the re-write of the County's zoning, subdivision and other land development codes in the form of a Unified Development Ordinance (UDO). The UDO provides higher development standards such as sidewalks, interior landscape islands, updated sign regulations, density bonuses, building design criteria for certain districts and village centers, etc.

Phase I – Reconnaissance and Fact Finding

In the fall of 2003, the County entered into a contract with Freilich, Leitner, and Carlisle to prepare a draft Unified Development Ordinance (UDO) to be assisted by the planning staff and a Board appointed steering committee. Phase I of the project involved the preparation of a reconnaissance report which included over 220 interest statements from interviews conducted with stakeholders and citizens throughout the community in order to frame key issues and concerns surrounding land use matters.

The 10 stakeholder groups included:

- a. Catawba Valley Homebuilders Association
- b. Bar Association
- c. Board of Realtors
- d. Farm Bureau
- e. Chamber of Commerce
- f. Professionals in development including engineering and architects
- g. Duke Power
- h. Catawba County Historical Association
- i. Municipal government planners
- j. Habitat for Humanity

Phase II – Drafting of UDO

The reconnaissance report was submitted to the Planning Board and the Board of Commissioners in the spring of 2004. Phase II of the project involved the drafting of 8 articles to be included in the UDO and revisions to a procedures manual. The major drafting of the UDO was completed in May 2006. The draft

document became available for public view on May 25, when it was posted on the County's web site and hard copies were placed in the local libraries.

A UDO steering committee was appointed by the BOC to assist the planning staff and the consultant in drafting the UDO. The Steering Committee recommended adoption of the UDO on May 23, subject to minor revisions and technical corrections. Committee members represented the following interest groups:

- a. Construction/development
- b. Real estate
- c. Agriculture
- d. Municipal
- e. Other professionals.

The following people were members:

Ed Nolley
Ed Neill
Anne Barrier
Jeff Kerley
Vance Dalton, Jr.
Paul Beatty
Paul Fleetwood
J.V. Huffman, Jr.
Trent Cloninger
Donna Cullum
Darrin Reid
Al King
Phillip M. Hayes
David Stewart

Phase III – Public Presentations

A series of public presentations of the draft UDO were conducted between June 1st and July 25th:

- a. Joint meetings (2 meetings) of the 7 SAP committees divided into east and west groupings
- b. Bar Association
- c. Surveyors Association
- d. Mobile Home Park Owners
- e. Mobile Home Park Dealers and State Association (NCMHA)
- f. Chamber of Commerce Land Use Committee (5 meetings)
- g. Chamber of Commerce Board of Directors
- h. Catawba County Homebuilders Association (held jointly with Chamber Board)
- i. Catawba Valley Association of Realtors (held jointly with Chamber Board)
- j. Chamber of Commerce SE Chapter Business After Hours meeting
- k. Churches within the County's jurisdiction
- l. Planning Board workshops (2 meetings)
- m. Public Forums (2 meetings) east and west

Phase IV – Public Notification and Hearings

In addition to the public presentations the following public outreach and notification activities were conducted:

- a. A series of articles were published in the 4 area newspapers
- b. A television spot
- c. ¼ page newspaper ads (8 consecutive weeks in each of 3 local newspapers)
- d. Standard legal ads (10 – 25 days prior to the public hearings) (2 advertisements)
- e. Posting of rezoning signs at key entryways to the County (12 signs)
- f. Posting of UDO on the County web site with facts and questions brochure
- g. Placement of hard copies of the draft UDO in 8 area libraries including large scale zoning maps
- h. First class mailings to approximately 41,000 property owners notifying them of proposed rezoning actions, along with a question and answer insert and small scale map of the proposed zoning changes
- i. Drop-by sessions for questions and answers (4 sessions including day and evening hours to be held August 1 through August 7)
- j. Planning Board public hearing (1 meeting to be held August 7)
- k. Board of Commissioners public hearings (spread over 2 meetings to be held August 21 and September 18)

Issues of Concern

The following are highlights of key issues raised during the series of recently held public meetings:

Issues incorporated in the UDO (latest draft)

- a. Open space dedication for conventional and cluster subdivisions including credits and density bonuses
- b. Allow standing seam roofs on manufactured homes in addition to shingle roofs
- c. ATMs and drive through windows will be allowed in the MUC-O

Issues to be incorporated in the UDO (not in draft)

- a. Switchout of singlewides – The UDO steering committee and PB recommended allowing switchouts for all existing singlewides (without requiring the owner prove “extenuating or hardship” circumstances).
- b. Hotels and motels allowed as a permitted use in the MUC-O consistent with RC, HC and O-I permitted uses.
- c. Businesses that are operating in a zoning district where that business is not permitted – non-permitted businesses would be allowed a 2-year period to come into conformance from the date of notification of violation and proof of business operations as of 1/1/06. (It is recommended that this requirement be embodied in an adopted BOC policy statement rather than as part of the UDO regulations. Conformance with the regulations mean that the business be able to comply with home occupation and/or cottage business regulations or to relocate the business in a commercial area.)
- d. Sidewalks – If sidewalks are added to the development as part of the requirement or optional to the developer on a voluntary basis, a 2 for 1 credit relating to open space requirements is granted.

(For example for every 1 square foot of sidewalk construction, 2 square feet of open space are credited.)

- e. Campgrounds – The area requirement and the setbacks for the campgrounds allowed in the residential districts would be 5 acres with a 100-foot perimeter setback. A special use permit from the BOA would be required when campgrounds are in residential districts. The area and setback requirements match the requirements for campgrounds allowed in the commercial districts as a permitted use. The minimum space allowed for each tent cabin or vehicle space, in the residential and commercial districts, would be reduced from 3000 square feet to 1500 square feet with an additional 1500 square feet of space to be dedicated for active or passive recreation.
- f. Marinas – Allow retail sale of boats and campgrounds as permitted accessory uses. Where campgrounds are planned as part of a marina in a residential or commercial operation, a minimum of 7 acres is required.
- g. School capacity – After much discussion with developers, business owners and other citizens, it is staff's recommendation that the school capacity restrictions be lifted in accordance with the recommendations or the small area plans as reflected on the official UDO zoning map.
- h. Subdivisions connecting to County utilities:
 - 1. Subdivisions up to 100 lots connecting to utilities:
New subdivisions up to 100 lots, which connect to utilities, have the option to apply for a planned development/conditional zoning in order to gain extra density than the UDO zoning map allows. (3. a – b) The County and the developer would agree to negotiate amenities such as those depicted below. (4. a – g)
 - 2. Subdivisions at or above 101 lots connecting to utilities:
New subdivisions at or above 101 lots, which connect to utilities, are required to apply for a planned development/conditional zoning. The higher density as stipulated below (3. a – b) is granted to the developer where amenities are negotiated with the County as depicted below. (4. a – g)
 - 3. Densities.
 - (a) 2 units per acre for water line availability and/or
 - (b) 3 units per acre for sewer availability or a combination of both utilities.
 - 4. Amenities.
 - (a) Open space above the minimum required in the UDO;
 - (b) Trails and bicycle paths;
 - (c) Conservation easements;
 - (d) Road improvements above DOT minimum requirements;
 - (e) Active and passive recreation and parks facilities;
 - (f) Landscaping and buffering above the minimum standards required in the UDO; or
 - (g) Traffic improvements, internal and external, to school sites, or other school improvements if impact fees or an adequate public facilities ordinance is not adopted.
- i. Big box construction criteria:
 - 1. New construction equal to or exceeding 75,000 gross square feet of single plate ground floor as a stand-alone retail structure;
 - 2. A vacated building plan and an adaptive reuse plan should be incorporated as part of the original project approval; and

3. Facades lengths greater than 100 feet must be articulated with recesses or projections, which total at least 25% of the facade length.

Issues where changes are not recommended

- a. Approximately 50% of the land area in the County has been designated on the UDO zoning map for 2-acre minimum lots, as recommended in the SAPs. Reducing or eliminating the acreage earmarked for 2 acre minimum lot size requirement is not recommended except under the following situations.
 1. Planned development containing multi-family; (in draft UDO)
 2. Village centers; (in draft UDO)
 3. Conditional zoning/development agreements; (in draft UDO)
 4. Density bonuses in standard subdivisions, cluster subdivisions, planned developments and village centers in exchange for additional open space; (in draft UDO) and
 5. Subdivisions connecting to County utilities (proposed under h 1-4 above).
- b. Transfer of development rights (TDR). At this point it is unclear if Counties have the legal authority to implement TDRs. The same objective can be accomplished through the use of development agreements attached to conditional zoning.
- c. Allowing singlewides throughout the County to help with affordable housing. One third of the County's housing is currently manufactured housing. As such, existing affordable housing is available.
- d. The removal of manufacturing homes that have become uninhabitable and are vacated.. Adopting a minimum housing code is not recommended at this time due to associated costs for removal.
- e. Driveway construction standards for residential lots. Twenty-foot extension from ROW into the private property was not recommended due to cost.

Staff Recommendation

The planning staff recommends Planning Board recommendation of the enclosed UDO dated 7/28/06 including:

1. Items a -i under the heading "Items to be incorporated in the UDO (not in draft)
2. All applications which have not been recommended or approved by the PB, BOA, or SRB prior to the effective date of the UDO are subject to the new UDO regulations.
3. Technical and grammatical corrections prior to adoption by the BOC.